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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,838	06/10/2002	Motoki Kato	450101-03168	2206

7590 07/17/2007  
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EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

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07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/018,838	KATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daquan Zhao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 4/17/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,17-19,24-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-14,17-19,24-28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Claim Status**

1. Claims 1, 2, 4-14, 17-19, 24-28, 30 are previously presented, and claims 3, 15, 16, 20-23 and 19 are canceled

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is rejected under 35 U.S.C. 101 because claim 14 only directed to "a program". Also, considering the claim as "functional descriptive material" imparts with functionality, but not being employed as a computer component (or other physical structures), is considered not statutory. "In contrast, a claimed computer-readable medium encoded with a computer program... is thus statutory." (See *"Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility"*, ANNEX IV, Page 53, First Paragraph;).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 7, 11, 12, 13, 14, 19, 24, 25, 27, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (US 5,537,528).

**Regarding claim 1**, Takahashi et al teach an information processing apparatus comprising: generating means for generating ClipMark formed by a mark specifying a characteristic picture extracted from an input AV stream, as management information for supervising the AV stream, and for generating PlayListMark, formed by marks pointing to a picture optionally specified by a user, from a reproduction domain corresponding to the PlayList defining the combination of preset domains in said AV stream; and recording means for recording said ClipMark and PlayListMark as respective independent tables on a recording medium (e.g. figure 10, column 8, lines 4-43 also see figure 3, column 2, line 53- column 3, line 3, wherein the column of frame number 84 of its representative frame is considered to be a independent table for the ClipMark, and column "85" of reference pointer is consider to be the independent table of the PlayListMark).

**Claims 12, 13 and 14** are rejected for the same reasons as discussed in claim 1 above.

**Claim 25** is rejected for the same reasons as discussed in claim 1 above with further limitation: reproducing means for reproducing said recording medium (e.g. column 8, lines 46-59, file 21 and 22 are stored in storage device in a computer); control means for acquiring a recording position corresponding to said mark stated in the ClipMark or PlayListMark reproduced and for controlling said reproducing means

responsive to the so acquired position (the frame number 84 in figure 3 or 10 corresponding to the position of the ClipMark).

**Claims 27, 28 and 30** are rejected for the same reasons as discussed in claim 25 above.

**Regarding claim 2**, Takahashi et al teach generating means generates said ClipMark and said PlayListMark as a ClipInformation file and as a PlayList file, respectively (e.g. "84" and "85" in figure 10 are stored within scene information file 21. Therefore, "84" and "85" are considered to be two independent files of file 21).

**Regarding claim 4**, Takahashi et al teach in reproducing said PlayList, said mark forming the ClipMark of said AV stream corresponding to the reproduction domain of said PlayList is referenced (e.g. column 10, line 62- column 11, line 12, the scene hierarchy chart 31 is consider to be the PlayList).

**Regarding claim 7**, Takahashi et al teach said mark of the PlayListMark includes the information of the type at least including the Resume point of the start point of a favorite scene or a Resume point of the PlayList specified by a user (e.g. column 8, lines 27-37, the still frame corresponds to "resume point" specified by a user).

**Regarding claims 11 and 19**, Takahashi et al teach mark of said ClipMark includes a scene change point, a commercial start point, commercial end point or a title displaying scene (e.g. column 1, Takahashi et al defines the scene information included scene changes point, also see column 3, lines 4-10).

**Regarding claim 24**, Takahashi et al teach resume point in reproducing said playlist (e.g. column 11, lines 5-12, the Shrunken image 33 of the representative frame is stored by the user, column 8, lines 28-42, and can be play back in the display area 43 to represents each level of the hierarchy tree and it is considered to be the resume point since user mark it and play it back).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,537,528) as applied to claims 1, 2, 4, 7, 12, 13, 14, 19, 24, 25, 27, 28 and 30 above, and further in view of Official notice.

See the teaching above.

**Regarding claim 5**, Takahashi et al teach identification information for indicating one reproduction domain specified on said AV stream data forming the reproduction route of said playlist (e.g. the column 11, lines 1-12, the representative number corresponding to the information indicating one reproduction domain specified on said AV stream data forming the reproduction route of said PlayList, wherein the Hierarchy chart corresponds to the reproduction route). Takahashi et al fail to teach the presentation time stamp. The Examiner takes official notice for the time stamp. It would have been obvious for one ordinary skill in the art at the time the invention was made to

have utilized the presentation time stamp in the mark of playListMark disclosed by Takahashi et al to increase the accuracy for video reproduction.

5. Claims 6, 8, 9, 17 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,537,528) as applied to claims 1, 2, 4, 7, 12, 13, 14, 19, 24, 25, 27, 28 and 30 above, and further in view of Official notice.

See the teaching above.

**Regarding claims 6, 8, 9, 17 and 18,** Takahashi et al fail to teach an entry point of an elementary stream, the offset address and the address of a relative source packet corresponding to an entry point. The Examiner takes official notice for the entry point of an elementary stream, the offset address and the address of a relative source packet corresponding to an entry point. It would have been obvious for one ordinary skill in the art at the time the invention was made to have utilized the entry point of an elementary stream in the mark of playListMark disclosed by Takahashi et al to increase the accuracy for video reproduction.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,537,528) as applied to claims 1, 2, 4, 7, 12, 13, 14, 19, 24, 25, 27, 28 and 30 above, and further in view of Kazui et al (US 5,642,174).

See the teaching of Takahashi et al above.

**Regarding claim 10,** Takahashi et al fail to teach type detection means for detecting the type of said characteristic picture. Kazui et al teach detection means for

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detecting the type of said characteristic picture (e.g. column 3, lines 27-44). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kazui et al into the teaching of Takahashi et al to detecting a scene change accurately (Kazui et al, column 2, lines 24-28).

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,537,528) as applied to claims 1, 2, 4, 7, 12, 13, 14, 19, 24, 25, 27, 28 and 30 above, and further in view of official notice.

See the teaching above.

**Regarding claim 26**, Takahashi et al fail to teach a thumbnail picture. The examiner takes official notice for the thumbnail picture since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the thumbnail to display the representative picture to clearly identify the importance scene of the video.



**Conclusion**

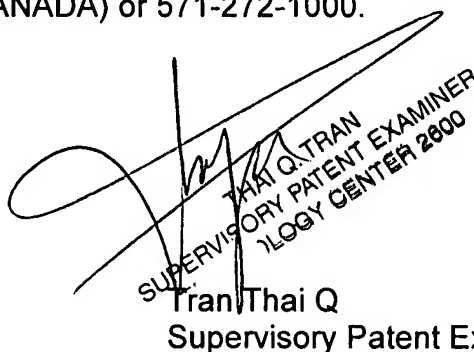
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanda (US 5,930,446).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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